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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,425	04/22/2004	Brian Preaux	PROL.0010001	8767
34611	7590	10/19/2006	EXAMINER ROJAS, BERNARD	
LAW OFFICE OF DUANE S. KOBAYASHI 1325 MURRAY DOWNS WAY RESTON, VA 20194			ART UNIT 2832	PAPER NUMBER

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,425

Applicant(s)

PREAUX, BRIAN

Examiner

Bernard Rojas

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 51-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11, 51-54, 56-61, 63, 64, 66 and 68 is/are rejected.
- 7) ☒ Claim(s) 8, 10, 12-14, 55, 62, 65, 67 and 69-71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10272005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Embodiment I of Invention I, Claims 1-14 in the reply filed on 07/17/2006 is acknowledged.

Specification

Claim 2 is objected to because of the following informalities: line 3 of the claim recites, "switch sittings" instead of "switch settings". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 9, 11, 51-53, 56, 61, 63, 64, 66 and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaller et al. [US 4,760,504].

Claim 1, Schaller et al. discloses a portable light system [110], comprising:

- a. a sealed housing [112], wherein a portion of said housing is cylindrical in shape [figure 3], said sealed housing including,
 - i. at least one light element [124]; and
 - ii. at least one magnetic switch element [reed switch in bulb, 124, see figure 5] configured to activate said at least one light element;

b. a switch interface ring element [140] configured to move around said cylindrical portion of said housing; and

c. at least one magnet [col. 3 lines 34-37] fixed in said switch interface ring element, said at least one magnet being operative to activate said at least one magnetic switch element within said sealed housing when movement of said switch interface ring element relative to said sealed housing brings said at least one magnet in proximity to said at least one magnetic switch element [col. 3 lines 34-37]

Claim 2, Schaller et al. discloses the portable light system of claim 1, wherein a plurality of relative positions of said at least one switch interface ring element and said at least one magnet defines a plurality of switch settings [the flash light is turned on or off], said plurality of switch settings controlling a plurality of operational modes [on or off] of said at least one light element [col. 3 lines 44-47].

Claim 6, Schaller et al. discloses the portable light system of claim 2, wherein said plurality of relative positions are enabled by a plurality of positioning elements [the switch element actuation channel formed by depression 138 and the two end surfaces which abut the switch element 140] in said portable light system [figure 3].

Claim 7, Schaller et al. discloses the portable light system of claim 6, wherein said plurality of positioning elements include a single positioning element fixed in said switch interface ring element [the inner surface of the switching element 140] and a plurality of positioning elements fixed in said sealed housing [the switch element actuation channel formed by depression 138 and the two end surfaces which abut the switch element 140].

Claim 9, Schaller et al. discloses the portable light system of claim 6, wherein a positioning element is fixed on a surface of said switch interface ring element [the inner surface of the switching element 140].

Claim 11, Schaller et al. discloses the portable light system of claim 6, wherein a positioning element [138] is fixed on a surface of said sealed housing.

Claim 51, Schaller et al. discloses a portable light system [110], comprising:

a. a sealed housing [112], said sealed housing including,

i. at least one light element [124]; and

ii. at least one switch element [reed switch in bulb, 124, see figure 5]
configured to activate said at least one light

b. a switch interface element [140] configured to move relative to a surface of said sealed housing without penetrating said sealed housing; and

c. at least one switch activating element [col. 3 lines 34-37] fixed in said switch interface element, said switch activating element being operative to activate said switch element within said sealed housing when movement of said switch interface element relative to said sealed housing brings said switch activating element in proximity to said switch element [col. 3 lines 34-37, 44-47].

Claim 52, Schaller et al. discloses the portable light system of claim 51, wherein a portion of said sealed housing is cylindrical [figure 3].

Claim 53, Schaller et al. discloses the portable light system of claim 52, wherein said switch interface element is a ring that moves around said cylindrical portion of said sealed housing [figure 3].

Claim 56, Schaller et al. discloses the portable light system of claim 51, wherein said switch element is a magnetic reed switch [col. 3 lines 29-31] and said switch activating element is a magnet [col. 3 lines 34-37].

Claim 61, Schaller et al. discloses the portable light system of claim 51, wherein said switch interface element has a range of movement across said housing that spans a plurality of predefined positions [on/off], each of said plurality of predefined positions defining a position of said at least one switch activating element relative to said at least one switch element, each of said plurality of predefined positions defining a different switch setting [col. 3 lines 44-47].

Claim 63, Schaller et al. discloses the portable light system of claim 61, wherein said plurality of predefined positions are enabled by a plurality of positioning elements [the inner surface of the switching element 140 and the switch element actuation channel formed by depression 138 and the two end surfaces which abut the switch element 140].

Claim 64, Schaller et al. discloses the portable light system of claim 63, wherein said plurality of positioning elements include a single positioning element fixed in said switch interface element [the inner surface of the switching element 140] and a plurality of positioning elements fixed in said sealed housing [the switch element actuation channel formed by depression 138 and the two end surfaces which abut the switch element 140] in said portable light system [figure 3].

Claim 66, Schaller et al. discloses the portable light system of claim 63, wherein a positioning element is fixed on a surface of said switch interface element [the inner surface of the switching element 140].

Claim 68, Schaller et al. discloses the portable light system of claim 63, wherein a positioning element [138] is fixed on a surface of said sealed housing [figure 3].

Claims 51, 52, 54, 56-58 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Trosper et al. [US 4,152,755].

Claim 51, Trosper et al. discloses a portable light system [figure 1], comprising:

a. a sealed housing [10], said sealed housing including,

i. at least one light element [D]; and

ii. at least one switch element [F] configured to activate said at least one light

b. a switch interface element [80] configured to move relative to a surface of said sealed housing without penetrating said sealed housing; and

c. at least one switch activating element [82] fixed in said switch interface element, said switch activating element being operative to activate said switch element within said sealed housing when movement of said switch interface element relative to said sealed housing brings said switch activating element in proximity to said switch element [abs].

Claim 52, Trosper et al. discloses the portable light system of claim 51, wherein a portion of said sealed housing is cylindrical [figure 1].

Claim 54, Trosper et al. discloses the portable light system of claim 51, wherein said switch interface element moves along a planar portion of said housing [figure 2].

Claim 56, Trosper et al. discloses the portable light system of claim 51, wherein said switch element is a magnetic reed switch [col. 3 lines 29-31] and said switch activating element is a magnet [col. 3 lines 34-37].

Claim 57, Trosper et al. discloses the portable light system of claim 51, wherein said switch activating element is fixed on a surface of said switch interface element [figure 2].

Claim 58, Trosper et al. discloses the portable light system of claim 57, wherein said switch activating element is fixed on an interior surface of said switch interface element [figure 2].

Claim 60, Trosper et al. discloses the portable light system of claim 51, wherein said switch activating element is fixed inside of said switch interface element [figure 2].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaller et al. [US 4,760,504] in view of Schaller et al. [US 4,803,605].

Claims 3 and 4, Schaller et al. discloses the claimed invention with the exception of the housing including a plurality of light elements.

Schaller et al ['605] discloses a portable light system with a plurality of light elements and switch elements.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve the reliability of the portable light system of Schaller by incorporating another light element as taught by Schaller et al ['605] in order to provide a backup light source in case of an emergency [abs Schaller et al. '605].

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaller et al. [US 4,760,504].

Claim 5, Schaller et al. discloses the claimed invention with the exception of providing the interface ring element with a plurality of magnets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of magnets instead of the toroidal magnet used by Schaller et al. in order to reduce cost as a plurality of magnet would cost less than using a toroidal magnet.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trosper et al. [US 4,152,755].

Claim 59, Trosper et al. discloses the claimed invention except for said switch activating element is fixed on an exterior surface of said switch interface element. It would have been obvious to one of ordinary skill in the art at the time the invention was made to move the activating element from an interior surface to an exterior surface

since applicant has not disclosed that placing the actuating element on an exterior surface of the switch interface element solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the design of Trosper et al.

Allowable Subject Matter

Claims 8, 10, 12-14, 55, 62, 65, 67 and 69-71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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10/14/16